

STATE OF INDIANA)
) SS:
COUNTY OF CARROLL)

IN THE CARROLL CIRCUIT COURT

CAUSE NO. 08C01-0403-PL-004

STATE OF INDIANA,)

Plaintiff,)

v.)

DOUGLAS DIRSCHELL)

Defendant.)

ENTERED
JUL 09 2004

CARROLL CIRCUIT COURT

DEFAULT JUDGMENT AGAINST DOUGLAS DIRSCHELL

The Plaintiff, State of Indiana, having filed its Motion for Default Judgment Against Douglas Dirschell and the Court having read the same and being duly advised in the premises, now finds:

1. The Court has subject matter jurisdiction and personal jurisdiction over the Defendant, Douglas Dirschell.
2. The Defendant was served with notice of these proceedings and a copy of the Complaint for Injunction, Restitution, Costs and Civil Penalties.
3. The Defendant has failed to appear, plead, or otherwise respond to the complaint.
4. The Defendant is not an infant, incompetent, or in military service.

THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that the Motion for Default Judgment is **GRANTED** in favor of the Plaintiff, State of Indiana, and against the Defendant, Douglas Dirschell.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that pursuant to Indiana Code § 24-5-0.5-4(c)(1), the Defendant, Douglas Dirschell, is permanently enjoined from engaging in the following:

a. representing expressly or by implication that the subject of a consumer transaction has sponsorship, approval, performance, characteristics, accessories, uses, or benefits it does not have, which the Defendant knows or should reasonably know it does not have;

b. representing expressly or by implication that the Defendant is able to deliver or complete the subject of a consumer transaction within a reasonable period of time, when the Defendant knows or reasonably should know that he can not; and

c. representing expressly or by implication that a consumer will be able to purchase the subject of a consumer transaction as advertised by the Defendant, when the Defendant does not intend to sell it.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that judgment is entered for the Plaintiff, State of Indiana, against the Defendant, Douglas Dirschell, as follows:

a. The contracts previously entered into by the Defendant with consumers Terry Klinger, Spencer Hill, Edward Fisher, Ken Baldwin and Robert Maynard are cancelled pursuant to Ind. Code § 24-5-0.5-4(d);

b. The Defendant shall pay consumer restitution pursuant to Ind. Code § 24-5-0.5-4(c)(2), for Terry Klinger, in the amount of Four Hundred Ten Dollars and Fifty-Six Cents (\$410.56), payable to the Office of the Attorney General;

c. The Defendant shall pay consumer restitution pursuant to Ind. Code § 24-5-0.5-4(c)(2), for Spencer Hill of Yorktown, Virginia, in the amount of Four Hundred and Nine Dollars and Forty-Six Cents (\$409.46), payable to the Office of the Attorney General;

d. The Defendant shall pay consumer restitution pursuant to Ind. Code § 24-5-0.5-4(c)(2), for Edward Fisher of Savannah, Georgia, in the amount of Nine Hundred and Nine Dollars and Forty-Six Cents (\$909.46), payable to the Office of the Attorney General;

e. The Defendant shall pay consumer restitution pursuant to Ind. Code § 24-5-0.5-4(c)(2), for Ken Baldwin of Roscoe, Illinois, in the amount of Nine Hundred and Eight Dollars and Seventy-Five Cents (\$908.75), payable to the Office of the Attorney General;

f. The Defendant shall pay consumer restitution pursuant to Ind. Code § 24-5-0.5-4(c)(2), for Robert Maynard of New Windsor, Maryland, in the amount of Four Hundred and Ten Dollars and Eighty Cents (\$410.80), payable to the Office of the Attorney General;

g. The Defendant shall pay the Office of the Attorney General its costs in investigating and prosecuting this action, pursuant to Ind. Code § 24-5-0.5-4(c)(3), in the amount of Three Hundred Eighty-Seven Dollars and Fifty Cents (\$387.50); and

h. The Defendant shall pay civil penalties pursuant to Ind. Code § 24-5-0.5-4(g) and Ind. Code § 24-5-0.5-8 for the Defendant's knowing and intentional violations of the Deceptive Consumer Sales Act, in the amount of Two Thousand Five Hundred Dollars (\$2,500.00), payable to the State of Indiana.

For a total monetary judgment in the amount of Five Thousand Nine Hundred and Thirty-Six Dollars and Fifty-Three Cents (\$5,936.53).

ALL ORDERED, ADJUDGED AND DECREED on this 8th day of July, 2004.


Judge, Carroll Circuit Court

Distribution:

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